

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEWAYNE O. BYRD,

Plaintiff,

v.

PHOENIX ACADEMY OF AUSTIN,

Defendants.

No. 09-01521 JSW

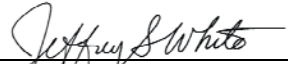
**ORDER ADOPTING REPORT  
AND RECOMMENDATION TO  
DISMISS**

This matter comes before the Court upon consideration of the Report and Recommendation issued by Magistrate Judge Zimmerman that this case be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) because Plaintiff has failed to allege facts demonstrating this Court has jurisdiction over the Defendant. The time for filing objections has passed, and the Court has received no objection from Plaintiff.

The Court finds the Recommendation well reasoned and adopts it in every respect. Accordingly, this matter is hereby dismissed. A separate judgment shall enter, and the Clerk is directed to close the file.

**IT IS SO ORDERED.**

Dated: July 27, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DEWAYNE O. BYRD,  
Plaintiff,

Case Number: CV09-01521 JSW

**CERTIFICATE OF SERVICE**

v.


PHOENIX ACADEMY et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 27, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dewayne O. Byrd  
101 Hyde Street  
San Francisco, CA 94102

Dated: July 27, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk